

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

**BRANDY HART, DENNIS HART,**

and S.H.,

*Plaintiffs,*

v.

**MIDLAND INDEPENDENT  
SCHOOL DISTRICT,**

*Defendant*

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**MO:24-CV-00131-DC**

**ORDER**

The Court now considers the report and recommendation from United States Magistrate Judge Ronald C. Griffin<sup>1</sup> concerning Defendant's partial motion to dismiss.<sup>2</sup> Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his report and recommendation on January 13, 2025.<sup>3</sup> As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de

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<sup>1</sup> ECF No. 15.

<sup>2</sup> ECF No. 5.

<sup>3</sup> ECF No. 15.

novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error.<sup>4</sup>

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge<sup>5</sup> is **ADOPTED**. Defendant's partial motion to dismiss is **GRANTED**. Plaintiff's claims subject to Defendant's partial motion are **DISMISSED WITHOUT PREJUDICE**.

Plaintiff may amend its complaint within 21 days of entry of this order.

It is so **ORDERED**.

SIGNED this 28th day of January, 2025.



DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> See Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

<sup>5</sup> ECF No. 15.